

15. (Original) A ventilation apparatus as defined in Claim 14 wherein the second track member includes:

a second pair of spaced aligned horizontally extending tracks aligned adjacent to the first pair of horizontally extending tracks; and

a second pair of spaced aligned vertically extending tracks aligned adjacent to the first pair of vertically extending tracks, one of the second vertically extending tracks being coupled between each outermost end portions of the second pair of horizontally extending tracks.

Claim 16. (Original) A ventilation apparatus as defined in Claim 15 wherein the second transparent member includes a piece of Plexiglas.

Claim 17. (Original) A ventilation apparatus as defined in Claim 16 further including a covering means for covering the transparent members.

Claim 18. (Original) A ventilation apparatus as defined in Claim 17 wherein the covering means includes a screen.

#### REMARKS

In the Official Office Action dated August 5, 2003, Claims 1 through 10 and 13 through 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,924,628 issued to J. A. Ruby et al.

Claims 1 through 10 and 13 through 18 have been rejected under 35 U.S.C. 112, second paragraph.

Claims 3 through 10 and 13 through 18 have been rejected under 35 U.S.C. 112, first paragraph.

Claims 19 through 34 have been rejected under 35 U.S.C. 112, first paragraph.

Claims 1, 5 and 10 have been amended to overcome the rejection under 35 U.S.C. 103(a) and the rejection under 35 U.S.C. 112, first and second paragraphs.

Claims 3 and 4 have been cancelled.

Applicant will either file a new continuation-in-part application or file a petition under 37 CFR 1.182 requesting that the substitution specification be removed from this application and be accorded the status as a separate application with a new application number as a continuation-in-part.

Once either one or the other of these courses of action has been taken the rejection under 35 U.S.C. 112, first paragraph regarding claims 19-34 can be resolved. A telephone conference with the Examiner regarding this matter is requested.

Reconsideration is hereby requested.

Claim 1 of Applicant's invention discloses a ventilation apparatus for mounting in a garage door which includes a rectangular shaped base support member. The base support member includes a first pair of spaced aligned horizontally extending members, and a first pair of spaced aligned vertically extending members. One of the vertically extending members is coupled between each end portion of the pair of horizontally extending members so that an opening is formed in the base support member. Additionally, the base support member further includes a second pair of spaced aligned horizontally extending members, with each one of the second pair of horizontally extending members being perpendicularly coupled to one of the first pair of horizontally extending members, and a second pair of spaced vertically extending members, each one of the second pair of vertically extending members being perpendicularly coupled to one of the first pair of vertically extending members.

The ventilation apparatus also includes a first rectangular shaped tracking member having an opening formed therein, aligned in first portions of the base support member opening. A first transparent member is coupled in the first tracking member opening. Additionally the ventilation apparatus includes a second rectangular shaped tracking member having an opening formed therein. This member is aligned in the entire base support member opening. The second tracking member includes a second transparent member mounted for slidable movement in the second tracking member opening so that the second transparent member can be moved to a first position adjacent the first transparent member to cover a second portion of the base support member opening and can be moved to a second position in the tracking member so that the second portion of the base support member opening is uncovered.

The ventilation apparatus also includes a plurality of predetermined spaced apertures formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an upper most panel of the garage door. A plurality of fastening members are provided wherein one of the plurality is mounted in a predetermined one of the spaced apertures in the rectangular shaped base support member for attaching the rectangular shaped base support member to the uppermost panel of the garage door.

Claim 2 of Applicant's invention discloses a ventilation apparatus as defined in Claim 1 as further including a means supported in the opening in the base support member for covering the first and second transparent members.

In Amended Claim 5 Applicant discloses a ventilation apparatus as defined in Claim 2 wherein the first tracking member includes a first pair of spaced aligned horizontally extending tracks each one of the tracks being coupled to one of the second horizontally extending members. Additionally a first pair of spaced aligned vertically extending tracks is included with one of the

vertically extending tracks being coupled between each outermost end portion of the pair of horizontally extending tracks on an adjacent one of the second pair of spaced vertically extending members.

Applicant's Claim 6 discloses ventilation apparatus as defined in Claim 5 wherein the first transparent member includes a piece of Plexiglas.

Applicant's Claim 7 discloses a ventilation apparatus as defined in Claim 6 wherein the second tracking member includes a second pair of spaced aligned horizontally extending tracks aligned adjacent to the first pair of horizontally extending tracks. Additionally a second pair of spaced aligned vertically extending tracks is aligned adjacent to the first pair of vertically extending tracks. Each one of the second pair of vertically extending tracks is coupled between each outermost end portions of the second pair of horizontally extending tracks.

Applicant's Claim 8 discloses a ventilation apparatus as defined in Claim 7 wherein the second transparent member includes a piece of Plexiglas.

Applicant's Claim 9 discloses a ventilation apparatus as defined in Claim 8 wherein the covering means includes a screen.

Applicant's amended Claim 10 discloses a ventilation apparatus for mounting in a garage door including a rectangular shaped base support member. The base support member includes a first pair of spaced aligned horizontally extending members, and a first pair of spaced aligned vertically extending members. One of the spaced aligned vertically extending members is coupled between each end portion of the pair of spaced aligned horizontally extending members so that an opening is formed in the base support member.

A second pair of spaced aligned horizontally extending members is also disclosed with each one of the second pair of spaced aligned horizontally extending members being

perpendicularly coupled to one of the first pair of spaced aligned horizontally extending members. Still further a second pair of spaced aligned vertically extending members, having each one of the second pair of vertically aligned extending members perpendicularly coupled to one of the first pair of vertically extending members is disclosed.

A first rectangular shaped tracking member having an opening formed therein, is aligned in the base support member opening. A first transparent member is slidably coupled in the first tracking member opening so that the first transparent member can be moved to a position so first portions of the base support member opening are closed and can be moved to another position so that the opening is open.

A second rectangular shaped tracking member having an opening formed therein is aligned in the base support member opening adjacent the first tracking member. A second transparent member is mounted for slidable movement in the second tracking member opening so that the second member can be moved to a position to cover second portions of the base support member opening and so that the second transparent member can be moved to a position so that second portions of the base support member opening is open.

The ventilation apparatus also includes a plurality of predetermined spaced apertures formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an upper most panel of the garage door, and a plurality of fastening members one of the plurality to be mounted in a predetermined one of the spaced apertures in the rectangular shaped base support member for attaching the rectangular shaped base support member to the uppermost panel of the garage door.

Additionally Applicant's amended Claim 13 discloses a ventilation apparatus as defined in Claim 10 wherein the first tracking member includes a first pair of spaced aligned horizontally

extending tracks each one of the tracks being coupled to one of the second horizontally extending members. A first pair of spaced aligned vertically extending tracks having one of the vertically extending tracks coupled between each outermost end portion of the pair of horizontally extending tracks on an adjacent one of the second pair of spaced vertically extending members is also provided.

Claim 14 of Applicant's invention discloses a ventilation apparatus as defined in Claim 13 wherein the first transparent member includes a piece of Plexiglas.

Still further, Applicant's Claim 15 discloses a ventilation apparatus as defined in Claim 14 wherein the second tracking member includes a second pair of spaced aligned horizontally extending tracks aligned adjacent to the first pair of spaced aligned horizontally extending tracks. Additionally a second pair of spaced aligned vertically extending tracks is aligned adjacent to the first pair of spaced aligned vertically extending tracks, where one of the second vertically extending tracks is coupled between each outermost end portions of the second pair of horizontally extending tracks.

Additionally, Applicant's Claim 16 discloses a ventilation apparatus as defined in Claim 15 wherein the second transparent member includes a piece of Plexiglas.

Claim 17 of Applicant's invention discloses a ventilation apparatus as defined in Claim 16 further including a covering means for covering the transparent members.

Applicants Claim 18 discloses a ventilation apparatus as defined in Claim 17 wherein the covering means includes a screen.

James A. Ruby et al in U.S. Patent 4,924,628 discloses a prefabricated slider window system with lift-out windows. The window system of this invention includes a main frame having an opening formed therein. Windows are mounted in the opening of the main frame for horizontal

sliding movement. The main frame includes a bottom frame portion having channels for guiding the bottom side of the windows and a top frame portion having channels for guiding the top sides of the windows.

The Examiner contends that elements 12, 14, 16 and 18 of the Ruby Patent discloses the base support member of Applicant's invention. The Ruby Patent discloses one pair of horizontally extending members 12 and 14 and one pair of vertically extending members 16 and 18 which form the base support member. However there is no teaching or suggestion in the Ruby Patent of a second pair of spaced aligned horizontally extending members, with each one of the second pair of horizontally extending members being perpendicularly coupled to one of the first pair of horizontally extending members, and a second pair of spaced vertically extending members, each one of the second pair of vertically extending members being perpendicularly coupled to one of the first pair of vertically extending members as taught in Applicant's Amended Claim 1. There is also no teaching or suggestion in the Ruby Patent of a ventilation apparatus including a first rectangular shaped tracking member having an opening formed therein which is aligned in only first portions of the base support member opening as disclosed in Applicant's amended Claim 1. Both of Ruby's tracking members, 82, 84, 118, and 120 cover the entire opening. This is a structurally different tracking arrangement than taught and disclosed by Applicant. Additionally, there is no teaching or suggestion in the Ruby Patent of a first transparent member coupled in the opening in the first tracking member.

There is no teaching or suggestion in the Ruby Patent of a plurality of predetermined spaced apertures formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an upper most panel of the garage door as taught in Applicant's amended Claim 1. There is also no teaching or

suggestion in the Ruby patent of a plurality of fastening members one of the plurality to be mounted in a predetermined one of the spaced apertures in the rectangular shaped base support member for attaching the rectangular shaped base support member to the uppermost panel of the garage door as taught by Applicant. Instead the Ruby Patent teaches a window having a pair of slots formed on the outdoor side of the window for mounting the window to a building using nailing fins. Clearly Applicant's invention is a totally different structure than the invention disclosed in the Ruby Patent. For these reasons Applicant's Claim 1 is distinguishable over the Ruby Patent.

Applicant's Claim 2 through 10 and 13 through 18 are distinguishable over the Ruby Patent for the same reasons as stated in Claim 1. Claim 2 of Applicant's invention is further distinguishable over the Ruby Patent because there is no teaching or suggestion in the Ruby Patent of a ventilation apparatus including a means supported in the opening in the base support member for covering the first and second transparent members.

Still further the Ruby Patent does not disclose the structure taught in Applicant's Amended Claim 5 in that there is no teaching or suggestion of a ventilation apparatus wherein the first tracking member includes a first pair of spaced aligned horizontally extending tracks with each one of the tracks being coupled to one of the second horizontally extending members. There is also no teaching or suggestion of a first pair of spaced aligned vertically extending tracks in the first tracking member with one of the vertically extending tracks being coupled between each outermost end portion of the pair of horizontally extending tracks on an adjacent one of the second pair of spaced vertically extending members.

Claim 6, 7, 8 and 9 is further distinguishable over the Ruby Patent for the same reasons as set forth with regard to Claims 1, 2 and 5.



As previously stated with regard to Claim 1, the Examiner contends that elements 12, 14, 16 and 18 of the Ruby Patent discloses the base support member of Applicant's invention. The Ruby Patent discloses one pair of horizontally extending members 12 and 14 and one pair of vertically extending members 16 and 18 which form the base support member. However there is no teaching or suggestion in the Ruby Patent of a second pair of spaced aligned horizontally extending members, with each one of the second pair of horizontally extending members being perpendicularly coupled to one of the first pair of horizontally extending members, and a second pair of spaced vertically extending members, each one of the second pair of vertically extending members being perpendicularly coupled to one of the first pair of vertically extending members as taught in Applicant's Amended Claim 10.

There is no teaching or suggestion in the Ruby Patent of a plurality of predetermined spaced apertures formed in the rectangular shaped base support member for aligning and facilitating the attaching of the rectangular shaped base support member to an upper most panel of the garage door as taught in Applicant's amended Claim 10. There is also no teaching or suggestion in the Ruby patent of a plurality of fastening members one of the plurality to be mounted in a predetermined one of the spaced apertures in the rectangular shaped base support member for attaching the rectangular shaped base support member to the uppermost panel of the garage door as taught by Applicant. Instead the Ruby Patent teaches a window having a pair of slots formed on the outdoor side of the window for mounting the window to a building using nailing fins. Clearly Applicant's invention is a totally different structure than the invention disclosed in the Ruby Patent. For these reasons Applicant's Claim 10 is distinguishable over the Ruby Patent.

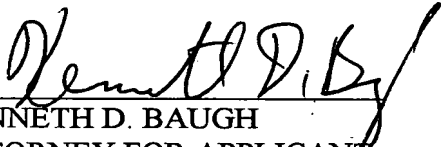
Claim 13, 14, 15, 16, 17 and 18 are also distinguishable over the Ruby Patent for the same reasons as set for the in regard to Claim 10.

Accordingly it is submitted that Applicant's Claimed invention is distinguishable over the Ruby Patent. Therefore it is submitted that Applicant's Claimed invention should be allowed.

If the Examiner wishes to discuss minor changes or corrections in this application or if a discussion is desirable for the purpose of achieving mutual agreement leading to termination or prosecution and allowance of the application it is requested that he so advise Applicant by calling Kenneth D. Baugh whose number is (713) 529-2901.

RESPECTFULLY SUBMITTED,

HAMILTON DOREST

By:   
KENNETH D. BAUGH  
ATTORNEY FOR APPLICANT